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Ref: 70222-0001

April 20, 2009

VIA FACSIMILE, E-MAIL AND VIA U.S. MAIL

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100
Sacramento, CA 95812-0100
Attn: Jeannette L. Bashaw, Legal Analyst

Re: PETITION TO STATE WATER BOARD
Former TADCO Facility, 363 West 133rd Street, Los Angeles, California ("Property")

Dear State Water Resources Control Board:

We represent T.A. Davies Company[1] ("Petitioner") regarding the March 19, 2009 Order for a Technical Report Pursuant to California Water Code Section 13267 (the "Order") issued by the Los Angeles Regional Water Quality Control Board ("RWQCB"). In accordance with California Water Code Section 13320 and California Code of Regulations ("CCR") section 2050 - 2066, Petitioner disagrees with the reasoning and conclusions of the Order (attached as Exhibit "A"). Specifically, Petitioner requests that the State Water Resources Control Board ("SWRCB") vacates the Order and instructs the RWQCB to focus its attention on the proper responsible parties that caused the Contamination .

II. Petitioner's Grievance and Remedy Requested

Petitioner is aggrieved by the Order because it seeks to require Petitioner to investigate, and potentially assume responsibility for, subsurface contamination beneath and around the Property (the "Contamination") not caused, or contributed to, by Petitioner. An objective evaluation of the facts in this matter reveals that parties other than Petitioner, including owners and operators of adjacent and neighboring properties, should be assigned100% of the legal and regulatory responsibility for the Contamination. As a result, Petitioner requests that the SWRCB vacate the Order and direct the RWQCB to focus its attention on the proper responsible parties that caused the Contamination. To do otherwise will burden Petitioner with considerable expense and liability for contamination that it did not cause.

[1] 19500 S Alameda St., East Rancho Dominguez CA 90221, (310) 764-0820.

III. Held In Abeyance

In accordance with the appeal period specified in California Water Code Section 13320, and in order to preserve its right to appeal the Order to the SWRCB, Petitioner submits this petition on or before April 20, 2009. Notwithstanding the filing of this petition, Petitioner intends to comply with the Order to the extent required by the RWQCB. Petitioner will present information to the RWQCB demonstrating to the agency that Petitioner cannot assume responsibility for any or all of the Contamination at, beneath or around the Property. During this short period, Petitioner requests that this petition be "held in abeyance" by the SWRCB. Petitioner will notify the SWRCB in writing when it seeks to have the SWRCB proceed with review of the petition. Petitioner will timely supplement this petition with the submission of additional substantive information and analysis.

IV. Statement of Reasons

Both the Property and neighboring properties have documented histories of oil drilling and ancillary oil exploration and production uses dating back many decades. Most of the chemicals detected in the subsurface beneath the Property were in widespread use in the oil industry at that time. Few regulations existed through the 1950s and 1960s regarding the disposal of solvents (including chlorinated solvents), crude oil, refined fuels and other hazardous substances. Over the years, releases from oil operations likely seeped through soil beneath and around the Property, contaminating soil and groundwater. Petitioner, a casting polyurethane and epoxy systems manufacturer, has no connection whatsoever to these historic oil operations.

In the early 1970s, natural ponds in and around the Property were filled in, and the Property and adjacent parcels were paved. Industrial uses of these properties continued, including, but not limited to, paint manufacturing and hazardous chemical storage at the Lyle Van Patton site at 321 West 135th Street, the General Welding Supply site at 352 West 133rd Street and the Standard Metals Recycling Corporation site at 378 West 133rd Street. Each of these adjacent or neighboring businesses utilized large quantities of hazardous substances for many years, and each has been the focus of environmental regulatory attention due to confirmed or likely releases of hazardous substances from these businesses.

Petitioner will demonstrate that its polyurethane operations at the Property from approximately 1981 to 1996, conducted pursuant to a lease agreement its landlord the Business Industrial Group and in full compliance with applicable law, simply cannot reasonably be identified as the cause of any or all of the Contamination. In contrast, the source(s) of the Contamination can all be traced to either historical uses of the Property that predate Petitioner's leasehold, or to historical and/or current industrial uses at adjacent or neighboring properties.

Petitioner has previously attempted to demonstrate these facts to the RWQCB, but the RWQCB insisted on issuance of the Order. For example, Petitioner has shown that it never used acetone at the Property, and that such contamination came from other sources. The RWQCB has

ignored such facts and evidence. Careful review of the available data will clearly demonstrate that Petitioner's operations at the Property has no role in causing any or all of the Contamination.

V. Oral Argument

To the extent available under applicable law and regulation, T.A. Davies requests oral argument to present its case directly to the SWRCB.

VI. Conclusion

Petitioner's operations at the Property from approximately 1981 to 1996 cannot reasonably be identified as the cause of any or all of the Contamination. Rather, the Contamination can all be traced to either historical uses of the Property that predate Petitioner's leasehold, or to historical and/or current industrial uses of adjacent or neighboring properties. Petitioner is confident that careful review of the available data will clearly demonstrate that Petitioner's operations at the Property has no role in causing any or all of the Contamination.

Sincerely,

TIMOTHY MARTIN for
Jeffer, Mangels, Butler & Marmaro LLP

TDM:tdm
Enclosure

cc: Kenneth A. Ehrlich, Esq.
Brett Bowyer

EXHIBIT "A"

California Regional Water Quality Control Board
Los Angeles Region

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: http://www.waterboards.ca.gov/losangeles

Linda S. Adams
Cal/EPA Secretary

Arnold Schwarzenegger
Governor

March 19, 2009

Mr. Larry Berna
T.A Davis Company (TADCO)
19500 South Alameda Street
East Rancho Dominguez, CA 90221

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7005 1820 0001 2683 7174

ORDER FOR A TECHNICAL REPORT PURSUANT TO CALIFORNIA WATER CODE (CWC) SECTION 13267 - FORMER TADCO FACILITY, 363 WEST 133RD STREET, LOS ANGELES, CALIFORNIA (SITE CLEANUP NO. 0817)

Dear Mr. Berna:

A review of our case file for the former TADCO facility (Site), located on approximately 0.5 acres at 363 West 133rd Street in Los Angeles, indicates that we sent you a letter (copy attached), dated August 31, 2001, requiring you to submit a work plan for additional soil and groundwater investigation to delineate the hazardous chemical contamination in the soil and groundwater and to initiate a quarterly groundwater monitoring program.

Subsequent to these events, you requested Regional Board staff to drop the requirements of the 13267 Order, in a letter, dated September 24, 2001 (copy attached), stating your position that the soil and groundwater contamination was caused by historical oil production operations and offsite sources. During a meeting with Regional Board staff on June 24, 2008, you repeated your position and expressed that you are not willing to comply with the requirements of the California Water Code section 13267 Order.

We disagree with your position as volatile organic compounds (VOCs) such as trichloroethene (TCE) and acetone, aromatic hydrocarbons such as benzene, ethylbenzene, toluene, and xylenes (BTEX), polychlorinated biphenyls (PCBs) and petroleum hydrocarbons are known to have been released at your Site.

SITE HISTORY

The Site is located in an industrial area in southern Los Angeles and is bounded by properties which are occupied by industrial facilities. These companies are: General Welding Company, which manufactures acetylene gas, and Standard Metals, which is a scarp metal recycling facility. These companies are located to the south and west, adjacent to the Site. Both sites have open case files with the Regional Board. Your Site is bounded to the north and east by Business Industrial Group (BIG) property which leased a parcel of the property to TADCO.

Sanborn fire insurance maps and aerial photos indicate that the Site was historically part of the Rosecrans oil field where extensive field exploration and production was carried out from at least 1928 to the late 1960s or early 1970s. TADCO leased a parcel of the property and operated a chemical mixing facility from approximately 1979 to 1996, manufacturing polyurethane resin.

For its operations, TADCO had three 6,500-gallon underground storage tanks (USTs), an above-ground storage (AST) tank farm, chemical mixing equipment, a drum storage area, a concrete underground septic tank, and a shop and office building. The following chemicals were stored in the USTs and ASTs and used at the facility: ethylenediamine, propylene oxide, diphenylmethane diisocyanate, catalytic reformer petroleum distillate, polyether polyl, naphthalene, and diesel fuel.

PREVIOUS INVESTIGATIONS

Various site investigations were conducted at the Site from approximately 1990 to 1999 looking for tank or piping leaks around the USTs and as part of the litigation between TADCO and BIG over the soil and groundwater contamination at the Site.

Twelve soil borings were drilled in the UST area for the leak detection investigation conducted by Environmental Resolutions, Inc. (ERI) in August 1990. Soil borings were advanced up to depths of 55.5 feet below ground surface (bgs) and soil samples were collected and analyzed for VOCs and total petroleum hydrocarbons (TPH). Acetone was detected in soil samples up to concentrations of 55,000 milligrams per kilogram (mg/Kg), TCE up to 12,000 micrograms per kilogram (µg/Kg), toluene up to 24,000 µg/Kg, ethylbenzene up to 12,000 µg/Kg, xylenes up to 170,000 µg/Kg and TPH up to 1,900 µg/Kg.

In August 1995, Aqua Science Engineers, Inc. (ASE) drilled four soil borings up to a depth of 50 feet bgs at the Site. Acetone and TPH as gasoline were detected in the soil up to 1,270 mg/Kg and 870 mg/Kg, respectively. Other VOCs were also detected in the soil samples. ASE also reported that a continuous blue-green staining of soils was observed from near ground surface to 40 feet bgs in boring B-13. PCBs were also detected in the soil at a depth of 5 feet in B-14 up to a concentration of 3,050 µg/Kg. ASE also completed two borings as vadose zone wells for vapor extraction remediation. These detections suggest onsite releases of pollutants did occur at your Site.

Following removal of the ASTs from the tank farm on May 17, 1996, ten one-foot hand auger borings were drilled in the tank farm area. BTEX was detected in soil samples from HA-6 at a concentration of 2,070 µg/Kg. TPH as diesel fuel was detected in HA-6 at 1 foot bgs at a concentration of 2,000 mg/Kg.

In May 1996, ASE drilled seven more borings in the UST, AST tank farm and drum storage areas, as well as on the southern property boundary and on West 133rd Street adjacent to the General Welding site. Acetone, TCE, toluene, ethylbenzene, xylenes and other VOCs and TPH were detected in the soil. Acetone was not detected in borings B-21 and B-22, which were close to the General Welding property where acetone is stored and used.

Following the removal of USTs on July 2, 1996, soil samples were collected beneath the excavation by ASE and Smith Technology Corporation. Elevated acetone concentrations up to 14,000 µg/Kg were detected in the collected soil samples.

Septic tank removal was completed on September 27, 1996 with collection of liquid and sludge samples from the septic tank. Soil samples from beneath the septic tank and associated leach line were also collected by ASE. BTEX was detected in the sludge sample and acetone and other VOCs were detected in the soil samples.

ASE advanced two additional soil borings to 45 feet bgs in the office, shop and septic tank areas on April 10, 1997. BTEX was detected in soil samples collected from the office and shop areas. Toluene was detected in the soil from the surface to the maxim depth drilled in the septic tank area.

Frey Environmental, Inc. (Frey) conducted a soil gas survey at the Site during the period from December 22 through 23, 1997. Soil gas probes were advanced to depths of approximately 5 feet bgs. VOCs were detected in soil gas samples at varying concentrations. Frey also drilled two soil borings to 45 feet bgs at the Site to assess the area of the former septic tank, loading dock and shop building areas. Acetone was detected in the soil to a depth of 20 feet bgs in the shop area. Other VOCs were also detected in both shop and septic tank areas.

In January 1998, Frey installed one monitoring well (MW-4) at the Site as part of the groundwater investigation for Standard Metals. In groundwater sampling events conducted in MW-4 from January 1998 to May 1999, TCE, cis-1,2-dichloroethene (cis-1,2-DCE), vinyl chloride and TPH as gasoline were detected in the groundwater samples at maximum concentrations of 9,020 micrograms per liter (µg/L), 753 µg/L, 130 µg/L and 2,420 µg/L, respectively. Other VOCs were also detected in the samples. The depth to groundwater beneath the Site is approximately 44 feet bgs and the groundwater flow direction is towards the southwest.

FINDINGS

Regional Board staff has reviewed your case file for the former TADCO Site and have determined the following:

1. Acetone was detected in the soil from near-surface to the maximum depth drilled in B-14 advanced southwest of the UST area, indicating an onsite release (s). In addition, acetone was detected in samples collected from both shallow and deep sample intervals in other portions of the site. Samples collected from beneath the tanks after the UST removal had also elevated concentrations of acetone.

2. Your position that the acetone release(s) on the General Welding property migrated to TADCO's is not supported with data collected from the Site and offsite. Acetone was not detected in any of the soil samples collected from borings B-21 and B-22, as well as MW-1, which were close to the General Welding property, indicating that the release(s) on General Welding property is confined to the limits of the property. MW-1 was installed by Frey as part of the groundwater investigation for Standard Metals.

3. It is also unlikely that dissolved acetone migrated with groundwater from the General Welding property to the Site because the groundwater flow direction in the vicinity of the Site is towards the southwest, i.e. towards the General Welding property.

4. You have not supported your position with evidence, showing the chemicals detected in the soil and groundwater were used during historical oil exploration and production at the Site. Moreover, the oil wells produce from much deeper depths than the depth intervals investigated at the Site. No evidence was presented that crude oil was detected in the soil, indicating contamination as result of historical oil operations. The hydrocarbons detected in the soil and groundwater were constituents of refined petroleum products like gasoline and diesel fuel.

5. Constituents found in refined petroleum products such as toluene, ethylbenzene, and xylenes were detected in the soil from near-surface to the maximum depth drilled in boring B-23 that was advanced in the drum storage area, indicating onsite release(s). BTEX was also detected in soil samples collected from both shallow and deep sampled intervals in this area. Toluene was also detected in all soil samples collected in boring B-29 in the septic tank area.

6. Diesel fuel range TPH was detected in the AST farm area with a maximum concentration of 2,000 mg/Kg. Diesel fuel was stored in one of the ASTs in this area.

7. Although use and storage of acetone at the facility was not reported, this chemical is known to be used in the polyurethane industry as an auxiliary blowing agent to supplement water for modifying the physical

properties of the polyurethane resin. In addition, it was indicated by one of TADCO's managers that TADCO traded chemicals with one of its neighbors. Acetone and TCE are also known to be used for cleaning chemical mixing equipment and containers at such facilities.

8. Copies of Material Safety Data Sheets (MSDS) for chemicals used at your former facility indicate that some of the contaminants found in the soil and groundwater beneath the Site are actually ingredients of the chemicals used onsite. These chemicals include; xylenes, trimethylbenzene, naphthalene, toluene, ethylbenzene and others.

9. The Regional Board directed you, in a letter dated August 31, 2001, to initiate a quarterly groundwater monitoring program. However, you have never implemented this requirement. Moreover, the background concentration VOCs in the groundwater are not known upgradient of the Site. Two active drinking water production wells are also located at an approximate maximum distance of 0.85 miles downgradient of your Site.

REQUIREMENTS

Pursuant to Section 13267 of the California Water Code (CWC), you are hereby directed to implement the following:

1. Delineate the lateral extent of the VOC and TPH contamination in the soil. Stepout soil borings shall be advanced to delineate the VOC and TPH contamination to their full extent.

2. Delineate the vertical extent of the VOC and TPH contamination in the soil. Deeper borings shall be advanced in those areas where VOC and TPH contamination was encountered at shallow depths.

3. Additional assessment needs to be conducted to investigate the source of PCBs detected in soil samples from boring B-14. Stepout borings shall be advanced in the area around B-14 to delineate the lateral and vertical extent of the PCB soil contamination.

4. Contaminant-specific iso-concentration maps showing the lateral extent of major contaminants in the soil shall be prepared and submitted.

5. Contaminant-specific cross-sections with color gradational iso-concentration contours maps showing the vertical extent of major contaminants in the soil shall be prepared and submitted.

6. Soil Screening Levels (SSLs) that are protective of human health and groundwater quality shall be developed for the Site in accordance with *Interim Site Assessment and Cleanup Guidebook* published by the Regional Board in May 1996. The guidebook is available online on the Regional Board's website. Alternatively, you may propose site-specific SSLs, using various models available, based on data collected from the Site. A summary of historical and current soil analytical results shall be summarized in tables to compare site-specific values against the SSLs and show exceedences.

7. The United States Environmental Protection Agency's (USEPA's) or California Department of Public Health's Maximum Contaminant Levels (MCLs) for drinking water, whichever is more stringent, shall be

used to screen groundwater analytical results. Contaminant levels above the MCLs shall be shown in tables in bold face.

8. Soil borings shall be advanced in the approximate location of former pond where drilling mud and other wastes were reportedly dumped during historical oil production operations. Soil samples shall be submitted to a certified laboratory for fingerprinting analyses to identify the occurrence and source of crude oil.

9. At least one groundwater monitoring well upgradient of MW-4, near the northern property boundary, and two cross-gradient monitoring wells, on the eastern and western property boundaries shall be installed to determine the groundwater flow direction beneath the Site. You shall use data from these wells to develop a conceptual site model (CSM) and to assess the background concentrations of the groundwater entering the Site and the aerial extent of the VOC plume.

10. In order to address Item Numbers 1 through 9, you shall prepare and submit a work plan to the Regional Board by **April 27, 2009**. The work plan shall be prepared in accordance with the Regional Board's *General Requirements for Subsurface Soil Investigations* and *General Requirements for Groundwater Investigations* (see attached).

11. After the installation of the groundwater monitoring wells, a quarterly groundwater monitoring shall be initiated and groundwater monitoring reports shall be submitted according to the following schedule:

Monitoring Period	**Report Due Date**
April-June	July 15th
July-September	October 15th
October - December	January 15th
January -March	April 15th

11.1 A site-wide groundwater elevation contour map showing the groundwater flow direction and gradient must be included in the groundwater monitoring reports.

11.2 Groundwater samples shall be analyzed for VOCs, BTEX, TPH, PCBs and dissolved heavy metals.

The California Business and Professions Code, Sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of registered professionals. Please refer to the State Water Resources Control Board Resolution No. 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under California Water Code Section 13304* (amended on April 21, 1994 and October 2, 1996). Therefore, all work must be performed by or under the direction of a California professional geologist, a California registered certified specialty geologist or a California registered civil engineer with at least five years hydrogeologic experience. A statement is required in the report that an appropriately registered professional actually supervised or personally conducted all the work associated with the project. The documents must also bear a stamp reflecting the registered professional's credentialed specialty and an expiration date of the relevant license.

Pursuant to Section 13267(b) of the California Water Code (CWC), you are hereby directed to submit the required work plan to this Regional Board by **April 27, 2009**. Furthermore, pursuant to Section 13268 (b)(1) of the CWC, failure to submit the required work plan may result in the imposition of civil liability penalties by the Regional Board of up to $1,000 per day for each day the work plan is not received after **April 27, 2009**, and without further warning.

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

If you have any questions regarding this matter, please contact either of my staff members: Mr. Bizuayehu Ayele at (213) 576-6747 or Mr. Dixon Oriola at (213) 576-6803.

Sincerely,

Tracy J. Egoscue
Executive Officer

Enclosures:
1) Regional Board's Letter, dated August 31, 2001
2) TADCO's Letter, dated September 24, 2001
3) General Requirements for Subsurface Soil Investigations, Revised July 2000
4) General Requirements for Groundwater Investigations, Revised July 2000

cc:
Mr. John Payne, Frey Environmental, Inc., Newport Beach, CA
Mr. Michael Baum, Resch Polster & Berger LLP, Los Angeles, CA
Mr. Bart Templeman, Rincon Consultants, Inc., Ventura, CA
Ms. Emily Yukich, Folger Levin & Kahn LLP, Los Angeles, CA
Mrs. Barbara Vidmar, General Welding Company, El Segundo, CA
Mr. Greg Levin, Standard Metals, C/o Resch Polster & Berger LLP, Los Angeles, CA

Winston H. Hickox
Secretary for Environmental Protection

California Regional Water Quality Control Board

Los Angeles Region

(50 Years Serving Coastal Los Angeles and Ventura Counties)

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640
Internet Address: http://www.swrcb.ca.gov/rwqcb4

Gray Davis
Governor

August 31, 2001

Mr. Larry Berna
T. A. Davies Company (TADCO)
19500 South Alameda Street
Rancho Dominguez, CA 90221

Certified Mail
Return Receipt Requested
Claim No. 7000 0520 0024 7127 1321

Dear Mr. Berna:

CALIFORNIA WATER CODE, SECTION 13267: REQUEST FOR ADDITIONAL SUBSURFACE INVESTIGATION AT 363 WEST 133rd STREET, LOS ANGELES, CALIFORNIA (SLIC #817)

The California Regional Water Quality Control Board (Regional Board), Los Angeles Region, is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within the coastal watersheds of Los Angeles and Ventura Counties, including the referenced sites.

Regional Board staff has reviewed the "Report of Environmental Research and Subsurface Investigations, Part II: Investigation of Site Properties", dated November 3, 1999, prepared by FREY Environmental, Inc. (Frey), "Groundwater Monitoring Report", dated May 21, 1999, "Subsurface Environmental Investigation of Soil", dated May 14, 1997 and September 19, 1997, prepared by Aqua Science Engineers, Inc. (ASE). Based on the information submitted, the TADCO property had been in use for storage, mixing and manufacturing of polyurethane resin. Several environmental assessments have been performed at the site since 1990. Analytical results of the soil and groundwater samples from previous environmental investigations confirm that both soil and groundwater at the site have been impacted with petroleum hydrocarbons and volatile organic compounds. According to the data, there are concentrations of up to 1,270 mg/kg acetone and 48.4 mg/kg total petroleum hydrocarbons (TPH) present in the soil. In addition, the groundwater is contaminated with 11,200 µg/L trichloroethene (TCE), 640 µg/L cis-1,2-dichloroethene (cis-1,2-DCE), 240 µg/L vinyl chloride, and 3,400 µg/L TPH. Regional Board staff concludes that past operations at the site have contributed to the contamination of soil and groundwater. The extent of the contaminant plume has not been completely defined. Therefore, a complete delineation of the contaminant plume, both on and off site, and its subsequent abatement, are required.

Pursuant to Section 13267 of the California Water Code, you are hereby directed to:

1. Submit a work plan to our office by **October 30, 2001** for complete delineation of soil and groundwater plumes at the site. A sufficient number of soil borings and groundwater monitoring wells shall be drilled to allow for full site characterization and complete delineation of the contaminant plume.

2. Pending approval of the work plan by Regional Board staff, a subsurface investigation shall be conducted and directly supervised by qualified professionals. The qualified professionals must be California registered geologists or registered certified specialty geologists or registered civil engineers with five years of hydrogeologic experience. All technical documents submitted to the Regional Board must be reviewed and signed and/or stamped by the qualified professional. A report documenting the results of the required soil and groundwater investigation shall be submitted by **February 28, 2002**, for our review and evaluation.

3. A quarterly groundwater-monitoring program shall be initiated for all existing and newly installed groundwater monitoring wells at the site. The groundwater-monitoring reports shall be submitted by the date in the following schedule, with the first report due on **January 15, 2002.**

Report Period	Report Due Date
January – March	April 15
April – June	July 15
July – September	October 15
October – December	January 15

4. Analyze groundwater samples for all contaminants of concern at the site. At a minimum, the groundwater samples shall be screened for volatile organic compounds (VOCs) using EPA Method 8260B, total petroleum hydrocarbons (TPH), carbon chain speciation, using EPA Method 8015, semivolatile organic compounds (SVOC) using EPA Method 8270, metals using EPA Method 6010B, and, with hexavalent chromium using EPA Method 218.6. Laboratory reports and method detection limits (MDLs) shall meet the requirements specified in the Regional Board's laboratory report form revised in June 2000. You can obtain a copy of the revised laboratory form and the requirements by downloading the document from the Regional Board web site listed on this letterhead.

5. You are required to submit information by **October 30, 2001,** to show the depth to the drinking water aquifer, and a scaled map showing the locations of all production wells, and surface water bodies within a one-mile radius of the site. The production well information must include the following: the well owner, the well identification number, well construction detail, the most recent sample analysis results, and the status of the well. In addition, you are required to discuss the local geologic formations and lithology, which will allow Regional Board staff to assess the vulnerability of the nearby drinking water supply wells, and determine any potential contaminant migration pathways to deeper groundwater zones. Please include this information in your work plan.

6. Pursuant to Section 13307.1 of the California Water Code, the Regional Board is required to notify all current fee titleholders for the subject site of the planned action. As the identified current primary or active responsible party for corrective action and/or cleanup at the site, we are requesting that you provide us with a complete mailing list of all record fee title holders for the subject site. Therefore, please provide the name, mailing address, and telephone number for all record fee title holders for the subject site with a copy of the county record of current ownership, available from the County Recorder's Office, or complete the attached Certification Declaration form and submit it to our office. Please submit the required information to the Regional Board by **October 30, 2001.**

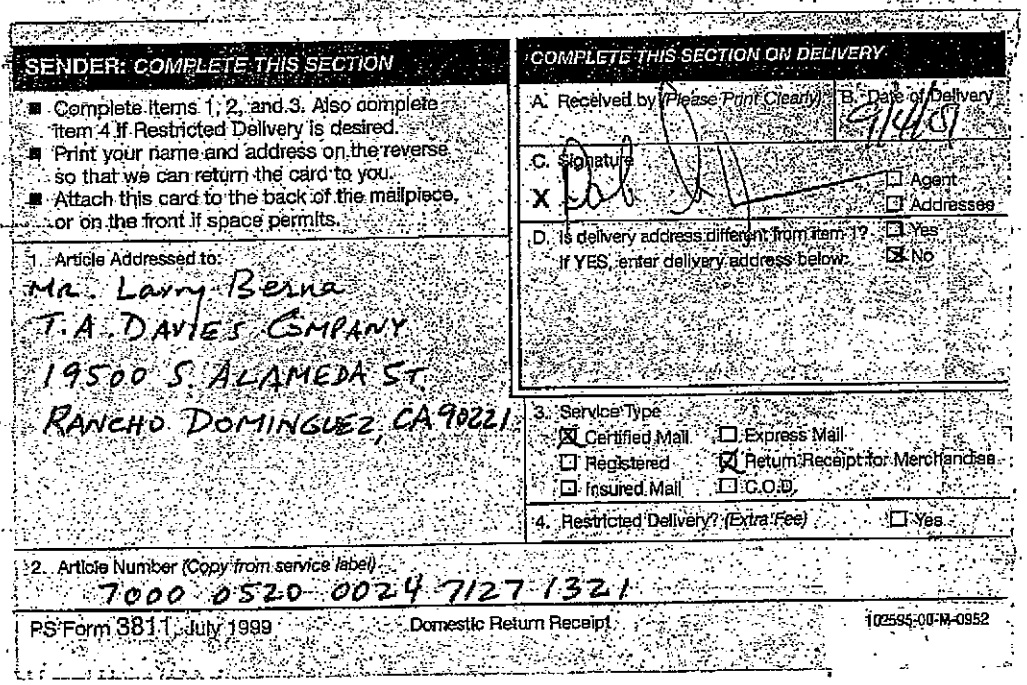
Pursuant to Section 13268 of the California Water Code, failure to submit the required reports or documents by the due dates may result in civil liability administratively imposed by the Regional Board in an amount up to one thousand dollars ($1,000) for each day the report or document is not received. Should you have any questions, please contact Mr. Adnan Siddiqui of the Regional Board at (213) 576-6812.

Sincerely,

Dennis A. Dickerson
Executive Officer

Enclosure: Certification Declaration

cc: Mr. Robert Sams, Counsel, Los Angeles Regional Water Resources Control Board (w/out enclosure)
Mr. Patrick Rendon, Smith & Rendon LLP (w/out enclosure)
Ms. Kaye E. Tucker, Tucker & Baum LLP (w/out enclosure)
Mr. Bernard A. Leckie, Meserve, Mumper & Hughes LLP (w/out enclosure)
Mr. John Payne, FREY Environmental, Inc. (w/out enclosure)
Mr. William Levine, Standard Metals Recycling Corp. (w/out enclosure)



SENDER: COMPLETE THIS SECTION
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Mr. Larry Berna
T.A. Davies Company
19500 S. Alameda St.
Rancho Dominguez, CA 90221

COMPLETE THIS SECTION ON DELIVERY
A. Received by (Please Print Clearly) B. Date of Delivery 9/4/01
C. Signature X [signature] ☐ Agent ☐ Addressee
D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No

3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☒ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label) 7000 0520 0024 7127 1321

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

TADCO

T.A. DAVIES

19500 S Alameda Street, Rancho Dominguez CA 90221
(310) 764-0820 (888) 506-0333 fax (310) 764-0822 e-mail tadco@tadavies.com www.tadavies.com

Specialty Urethane Chemicals

September 24, 2001

Rebecca Chou
California Regional Water Quality Control Board
320 W 4th Street, Suite 200
Los Angeles CA 90013

RE: Claim No. 7000 0520 0024 7127 1321

Dear Ms. Chou:

Thank you for taking the time to speak with me on the phone. I will try in this letter to recap the things we talked about.

To begin with you should understand our history on the site. We leased the property at 363 W 133rd Street from Business Industrial Group in 1981. At that time there were three existing underground storage tanks which we used to store propylene oxide and ethylenediamine. In 1990 we decided that it would be prudent to remove the underground tanks and replace them with above ground tanks. We applied for all the proper permits and worked with all the appropriate agencies to come up with an acceptable plan.

One requirement was that we do a series of borings around the tanks to make sure they had not been leaking. When we did this we found soil contamination in the form of acetone in very high concentrations as well as other chemicals we had never used in our business. At that time we gave a copy of the report to Business Industrial Group. We would later learn that two years earlier on the General Welding site a 20,000 gallon acetone tank had developed a very large leak that had filled the ground with acetone. That tank was only 120 feet from our borings. Once again we felt that the responsible thing to do was to report our findings to our landlord, Business Industrial Group. They basically ignored the information until 1995 when they tried to sell the property and had to disclose the facts on the contamination. Their sale fell through and they sued us claiming that we had caused these problems.

Over the next five years we were forced to spend a great deal of money defending ourselves against charges that were completely untrue. In fact, it was impossible for us to be responsible because we have never used the chemicals that were found in the soil and water. In fact, we would have as much need to have those chemicals on site as a bakery because they have no usefulness to the type industry that we are in. If you needed a way of verifying this I can put you in touch with the head of research of one of the large suppliers of polyurethane materials. He could explain to you how the chemicals in question could not be used in any phase of producing polyurethane systems and most of them would in fact destroy the product.

During that five years we learned a lot about the site and its history. That site as well as most surrounding sites are a mess. Contamination and dumping has been going on since 1920. The entire

site was used as a pond into which oil sludge was pumped. As you know, there were no regulations in those days and people did not care what businesses did. When Business Industrial Group decided in 1968 to fill in the pond it had to be clear to them that the soil was contaminated but rather than clean it up they proceeded to grade and fill the property. A report from Western Laboratories who did the compaction testing of the fill area shows that the fill ranges from 1 foot to 20 feet in depth. Several years back I personally compared the data from many borings to the report on fill depth. Other than a very small amount of shallow surface contamination it was extremely consistent that the contamination showed up at the depth of the bottom of the fill material and then continued deeper. This says that the soil was contaminated long ago and then filled over. Unfortunately, that report has been lost and Western Labs' records only go back to 1988.

I am including a list of the chemicals we used on site and the chemicals found in both the soil and groundwater. Also included are two reports on the site. The one prepared by L. M. Environmental was paid for by us. The one prepared by Frey Environmental was paid for by the parties who sued us and yet both experts conclude that the site was contaminated before the fill was added or by current uses up gradient of the site.

I have included large site maps which I prepared which show the levels of contamination to be higher off the site than on site. You will see that I have marked the small colored stickers with the level of contamination in ppm and also noted the depth at which it was found. It's interesting to note that in most cases the fill is clean and any contaminants start below that level. The site was completely paved from the time we arrived. We never had those chemicals in our tanks or anywhere else and there would be no way to get that contamination in the ground at those depths and still leave the fill area clean.

In conclusion, I am sorry that Business Industrial Group bought this property in a contaminated state and is faced with this problem but my company is not responsible. I am sorry that we have already spent, as a small company with only six employees, hundreds of thousands of dollars defending ourselves against something that we could not have possibly done. It is for these reasons that I urge you to read the two reports and look at the site maps. I think it will become clear to you that we could not be responsible for these contaminants. We ask that you drop the requirement that we participate in any further studies or costs.

Once again I thank you for your time and efforts. Please save the site maps for us as there are no other copies. We look forward to hearing from you after you have reviewed these documents.

Sincerely,

Larry K. Berna
President

Comparison Table, Chemicals found at 13255 S.Broadway and adjacent lots.

Chemicals Used By Tadco	Chemicals Found In Soil	Chemicals Found in Groundwater
Ethylenediamine		
Propylene Oxide		
Diphenylmethane diisocyanate*		
Naphthalene*	Naphthalene†	
Catalytic reformer petroleum distillate*		
Polyether polyol*		
Diesel Fuel #2*		
	TPH as gasoline	TPH as gasoline
	Benzene	Benzene
	Toluene	Toluene
	Ethylbenzene	Ethylbenzene
	Xylenes	Xylenes
	Trimethylbenzenes	
	Acetone	Acetone
	2-butanone	2-butanone
	4-methyl-2-pentanone	4-methyl-2-pentanone
		1,1,1,-trichloroethane
	Dichloroethane	Dichloroethane
		Tetrachloroethene
	Trichloroethene	Trichloroethene
	Dichloroethenes	Dichloroethenes
	Vinyl Chloride	Vinyl Chloride
	Chloroform	Chloroform
		Trichlorofluoromethane
	Methylene Chloride	
	n-Propylbenzene	
	tert-Butylbenzene	
	sec-Butylbenzene	
	n-Butylbenzene	
	Isopropyl benzene	
	p-Isopropyl Toluene	
	Chlorobenzene	
	1,2-Dichlorobenzene	
	1,3-Dichlorobenzene	
	1,4-Dichlorobenzene	
	Carbon Disulfide	
	Arochlor-1254	

* indicates AST storage in tanks with spill control

† CERCLA RQ 1000 lbs, not a Prop 65 Chemical, EPA PRG 240,000 ppb

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